

# In the Supreme Court of the State of Alaska

**Herbert Johnson,**  
Appellant,

v.

**State of Alaska, CSSD,**  
Appellee.

Trial Court Case No. **3AN-18-09509CI**

Supreme Court No. **S-17911**

## **Order**

Motion to Reconsider Single-Judge  
Order

Date of Order: **4/5/2021**

This appeal arises from a 2018 Child Support Services Division (CSSD) decision in agency case no. 001139341, involving child support from appellant Herbert Johnson to Olivia Jackson. Mr Johnson appealed the decision to the superior court and the appeal was assigned to Superior Court Judge Andrew Guidi in Case No. 3AN-18-09509 CI. In 2019 Judge Guidi dismissed the appeal for Mr. Johnson's failure to file an appeal brief in a timely manner. Mr. Johnson sought to have Judge Guidi reopen the appeal in 2020, but that effort was denied. Mr. Johnson's appeal before us in this matter, No. S-17911, relates to Judge Guidi's refusal to reopen the superior court appeal.

Mr. Johnson apparently has a separate CSSD administrative matter involving child support to someone other than Ms. Jackson. Mr. Johnson appealed a 2018 CSSD decision in that matter to the superior court, and that appeal was assigned to Superior Court Judge Andrew Peterson in Case No. 3AN-18-09300 CI. Judge Peterson issued a decision denying Mr. Johnson's appeal in January 2020.

In November 2020 CSSD sought to supplement the record for this appeal before us with Judge Peterson's decision in the other matter, or, alternatively, requested we take judicial notice of that decision. Mr. Johnson did not oppose the motion, and it was granted.

In March 2021 CSSD moved to supplement the record for this appeal before us with a 2005 CSSD child support order in the agency matter, CSSD Case No. 001139341, underlying this appeal. CSSD stated that the 2005 child support order should have been transmitted to the superior court in Judge Guidi's case, Case No. 3AN-18-09509 CI and therefore should have been in the record transmitted to us for Mr. Johnson's appeal of Judge Guidi's refusal to reopen Mr. Johnson's superior court appeal. Mr. Johnson did not oppose that motion. Unfortunately, the March 16, 2021 order granting CSSD's motion incorrectly listed the administrative child support order as coming from the matter before Judge Peterson in Case No. 3AN-18-09300 CI rather than from the matter before Judge Guidi in Case No. 3AN-18-09509.

Mr. Johnson filed a motion for reconsideration of the March 16, 2021 order supplementing the record, arguing that there was a mix up of the agency cases. Mr. Johnson is correct, as the March 16, 2021 order should have identified the 2005 CSSD child support order as coming from agency Case No. 001139341 and, therefore, Judge Guidi's superior court Case No. 3AN-18-09509 CI.

For clarification, **IT IS ORDERED** that the individual justice order dated November 25, 2020 granting CSSD's first motion to supplement the record was granted to allow CSSD to include Judge Peterson's order in the record for this appeal solely for our reference and the possible application of judicial notice of at least the fact that Judge Peterson issued the order. **IT IS FURTHER ORDERED** that the individual justice order dated March 16, 2021 is **AMENDED** to read as follows:

The motion is **GRANTED**. The 12/05/05 Administrative Child Support and Medical Support Order from CSSD Case No. 001139341, which should have been made a part of the appeal record in Superior Court Case No. 3AN-18-09509 CI,

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and therefore this appeal to us, shall be made part of the record for reference and the possible application of judicial notice of at least the fact that the order was issued.

This clarification presumably resolves Mr. Johnson's reconsideration motion without need to bring the matter to the full court. If this is not the relief Mr. Johnson sought, he may file another reconsideration motion limited to the substance of this order. But in that event Mr. Johnson is directed to explain precisely what he believes is incorrect about this order.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts



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Sarah Anderson, Deputy Clerk

cc: ACRO

**Distribution:**

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